

22 are drawn to a method for preparing a program for a punch press, claims 14, 21 and 23 are drawn to a method for preparing a program for a punch press, and claims 14, 21 and 24 are drawn to a method for preparing a program for a punch press. The Examiner noted that each of these inventions are classified in class 700, subclass 179.

The Examiner further categorized claims 15 and 16, claims 15 and 17, claims 15 and 18, and claims 15 and 19 as drawn to a processing program preparing apparatus for a numerically controlled punch press. The Examiner asserted that each of these are classified in class 483, subclass 9.

The Examiner further identified claims 25, 26 and 27, claims 25, 26 and 28 and claims 25, 26 and 29 to a method for preparing a program for a punch press which are classified in class 700, subclass 179 or 160.

The Examiner further characterized claims 30, 31 and 32, claims 30, 31 and 33, and claims 30, 31 and 34 as drawn to a method for preparing a program for a punch press each classified in class 700, subclass 169 or 179.

Finally, the Examiner characterized claims 35 and 36, claims 35 and 37, and claims 35 and 38 as drawn to a computer readable medium and each classified in class 708, subclass 272.

The Examiner asserted that each of these inventions are distinct from the other invention because of a number of reasons enumerated in paragraphs 5-26. It is respectfully submitted that the Examiner is incorrect in his characterization of the claims.

Initially, Applicants note that numerous claims are classified by the Examiner as being part of more than one distinct invention. This is clearly incorrect. Merely as an example, Applicants note that claims 14 and 21 are classified in Groups I, II and III. Similarly, claims 25 and 26 are classified in Groups VIII, IX and X. Because of this overlapping subject matter alone, it is respectfully submitted that the Examiner's Restriction Requirement is inappropriate.

Moreover, in paragraphs 11-13, the Examiner asserts that Group I is distinct from Groups II and III, Group II is distinct from Groups I and III, and Group III is distinct from Groups I and II because each group does not require the particulars of the other groups for patentability. However, this is true for any non-identical claims. It is not appropriate to submit claims that are identical. However, according to the Examiner's logic and rationale, any time an Applicant submits a claim that does not require the limitations of any other claim, restriction would be appropriate. This is clearly not what is meant by distinct inventions. For this additional reason, it is respectfully submitted that the Examiner's Restriction Requirement is inappropriate.

Yet further, Applicants note that a significant number of the claims (of various "distinct" inventions) are classified in class 700, subclass 179. This is further evidence of the lack of distinctness of the inventions asserted by the Examiner. Moreover, with respect to various of the classifications, the Examiner has categorized the same claim as classified in different subclasses. This is clearly inappropriate and clearly points out the general impropriety of the Examiner's Restriction Requirement. Nevertheless, as noted above, Applicants have elected with traverse the invention defined by Group I and comprising claims 14, 21 and 22.

Yet further, it is respectfully submitted that the impropriety of the Examiner's Restriction Requirement is supported by MPEP § 803. In this regard, even if the Examiner's characterization of the various claims of Groups I-XVI as drawn to various combinations and subcombinations is correct, it is respectfully submitted that all these claims should nevertheless be examined in the present application. In other words, the Examiner is respectfully requested to reconsider the requirement and find that there would not appear to be a "serious burden" on the U.S. Patent and Trademark Office in examining claims directed to the non-elected inventions since the Examiner will have to search in the overwhelming majority, if not all, of the subclasses identified by the Examiner. Accordingly, it is respectfully submitted that there would be no serious burden on the U.S. Patent and Trademark Office if the Restriction Requirement were not required and accordingly even if

otherwise proper, in accordance with MPEP § 803, the Restriction Requirement should not be made in the present application.

Moreover, it would appear, based on the Examiner's own classification of the various groups, that the search for the inventions identified by the Examiner would be coextensive or would at least significantly overlap. This is further evidence of a lack of serious burden on the Examiner in continuing the examination of all the claim groups enumerated by the Examiner.

Applicants note the Examiner's election of species requirement as set forth in paragraph 30 of the Restriction Requirement. In this regard, as noted above, Applicants have elected a species identified by the Examiner as Species X and shown in Fig. 10.

Nevertheless, Applicants further traverses this Election of Species Requirement. In particular, the overwhelming majority of the various species identified by the Examiner do not relate to species at all and a significant number of them do not relate to the presently claimed subject matter of the present application. In particular, Figs. 3-9 illustrate the manner in which the punch identification media and die identification media are attached to the punch and the die. No claims explicitly recite the detailed features of the attachment of the identification media to the punch and the die. Similarly, Figs. 16 and 21 are flowcharts showing the operation of the apparatus illustrated in Figs. 10 and 17. These are not separate

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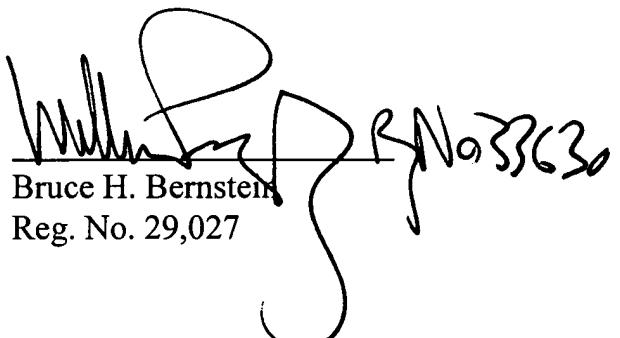
species. Moreover, Figs. 13 and 14 relate to details of the block diagram illustrated in Fig. 10 and are also not separate species.

For each of the above reasons and certainly for all of the above reasons, Applicants respectfully submit that the Restriction Requirement and Election of Species Requirement set forth in the outstanding Official Action of July 12, 2002 are improper and respectfully request reconsideration and withdrawal thereof.

Nevertheless, in order to be responsive to the Examiner's Restriction Requirement, Applicants have elected Group I and Species X for examination in the present application.

Should the Examiner have any questions or comments regarding this Response, or the present application, the Examiner is invited to contact the undersigned at the below-listed telephone number.

Respectfully submitted,
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